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Atari Interactive, Inc.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

ATARI INTERACTIVE, INC.,

**Plaintiff,**

VS.

REDBUBBLE, INC.,

**Defendant.**

Case No. 4:18-cv-03451-JST  
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST; and 4:19-cv-00264-JST]

Hon. Jon S. Tigar

**DECLARATION OF PHILLIP PALEY IN  
SUPPORT OF ATARI INTERACTIVE,  
INC.'S SUPPLEMENTAL BRIEFING RE  
WILFUL TRADEMARK INFRINGEMENT**

Date: May 6, 2011  
Time: 2:00 p.m.  
Location: Courtroom 6

## AND RELATED ACTIONS

1789202.1

DECLARATION OF FRANCISCO CUELLAR IN SUPPORT OF ATARI INTERACTIVE, INC.'S SURREPLY IN  
SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO REDBUBBLE, INC.'S  
MOTION FOR SUMMARY JUDGMENT

1  
**DECLARATION OF PHILLIP PALEY**

2 I, Phillip Paley, declare as follows:

3 1. I am a paralegal for Browne George Ross O'Brien Annaguey & Ellis LLP, counsel  
4 of record for Atari Interactive, Inc. ("Atari") in this matter. I have firsthand, personal knowledge  
5 of the facts set forth below and if called as a witness could and would competently testify thereto.

6 2. On February 1, 2021, I accessed [www.redbubble.com](http://www.redbubble.com), and certain product listing  
7 pages available thereon. I captured a screenshot of one such product listing page. A true and  
8 correct copy of that screenshot is attached hereto as "**Exhibit A.**"

9 3. On March 25, 2021, I accessed [www.redbubble.com](http://www.redbubble.com), and certain product listing  
10 pages available thereon. I captured screenshots of product listing pages from Redbubble users  
11 "bubblemunki" and "timmehtees." True and correct copies of these screenshots are attached hereto  
12 as "**Exhibits B-C.**"

13 4. On March 30, 2021, I also visited the Redbubble user page for "atariboxart", and  
14 captured a screenshot of the page. A true and correct copy of this screenshot is attached hereto as  
15 "**Exhibit D.**"

16 Executed this 1st day of April 2021, at Los Angeles, California.

17 I declare under penalty of perjury under the laws of the United States of America that the  
18 foregoing is true and correct.

19  
20   
Phillip Paley

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 1st day of April, 2021, I electronically filed the foregoing **DECLARATION OF PHILLIP PALEY IN SUPPORT OF ATARI INTERACTIVE, INC.'S SUPPLEMENTAL BRIEFING RE WILLFUL TRADEMARK INFRINGEMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

## SERVICE LIST

*Atari Interactive, Inc. v. Redbubble Inc.*

U.S.D.C. N.D. CA, Oakland Division Case No. 4:18-CV-03451-JST  
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST;  
and 19-cv-00264-JST]

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